

# The Auriga Academy Trust

## Managing Health and Attendance Policy

### Contents:

<b>1. Scope</b>	<b>3</b>
<b>2. Policy Purpose</b>	<b>3</b>
<b>3. Roles and Responsibilities</b>	<b>3</b>
3.1 Employee's Responsibility	3
3.2 Headteacher's Responsibility	4
3.3 Notification and certification of sickness absence	4
<b>4. Medical Certification of Sickness Absence</b>	<b>4</b>
4.1 Absence beyond seven calendar days	4
4.2 Foreign and other medical certificates	5
4.3 Failure to provide a fit note or appropriate medical certificate	5
<b>5. Return to Work Process</b>	<b>5</b>
5.1 General points on the return-to-work process	5
<b>7. Attendance Standards</b>	<b>6</b>
7.1 Initial attendance standards	6
7.2 Subsequent attendance standards and review periods	6
Short-Term sickness absence review period	7
Long-Term sickness absence review period	7
7.3 Reverting from fixed to rolling review period	7
7.4 Overlapping fixed 12 month review periods for Short-Term and Long-Term sickness absence	7
7.5 Intervening sickness absence	8
7.6 Linked absences	8
7.7 Maintaining regular contact	8
<b>8. Referring Employees to Occupational Health</b>	<b>8</b>
<b>9. Medical Appointments</b>	<b>9</b>
<b>10. Phased Returns to Work</b>	<b>9</b>
<b>11. Pregnancy-related Sickness Absence</b>	<b>10</b>
<b>12. Terminal Illness</b>	<b>10</b>
<b>13. Disability – Reasonable Adjustments</b>	<b>10</b>
<b>14. Other Health Issues</b>	<b>11</b>
<b>APPENDIX 1 - Procedure for Dealing with Short-Term Sickness Absence</b>	<b>12</b>

1.1 Short term Sickness Definition .....	12
1.2 Stage 1 – First Sickness Absence Review Meeting (Short-Term) .....	12
1.3. Stage 2 - Second Sickness Absence Review Meeting (Short-Term) .....	13
1.4 Non-Attendance of Stage 1 or Stage 2 meetings .....	14
1.5 Stage 3 - Contract Review Hearing .....	14
1.4.1 Prior to the Contract Review Hearing .....	14
1.4.2 At the Contract Review Hearing .....	15
1.4.3 Outcome of the Contract Review Hearing.....	15
1.5 Notice Periods.....	16
1.6. Appeal Hearing .....	16
1.6.1 Grounds of Appeal.....	16
1.6.2 Prior to the Appeal Hearing .....	16
1.6.3 At the Appeal Hearing.....	17
1.6.4 Outcome of the Appeal Hearing.....	17
<b>APPENDIX 2 - Procedure for Dealing with Long-Term Sickness Absence .....</b>	<b>18</b>
2.1 Long term Sickness Definition .....	18
2.2 Stage 1 - First Sickness Absence Review Meeting (Long-Term) .....	18
2.3 Stage 2 - Second Sickness Absence Review Meeting (Long-Term) .....	19
2.4 Stage 3 - Contract Review Hearing .....	20
2.4.1 Prior to the Contract Review Hearing .....	20
2.4.2 At the Contract Review Hearing .....	21
2.4.3 Outcome of the Contract Review Hearing.....	21
2.5 Notice Periods.....	22
2.6. Appeal Hearing .....	23
2.6.1 Grounds of Appeal.....	23
2.6.2 Prior to the Appeal Hearing .....	23
2.6.3 At the Appeal Hearing.....	23
2.6.4 Outcome of the Appeal Hearing.....	23
<b>APPENDIX 3 – Guidance on Phased Returns to Work .....</b>	<b>25</b>
<b>APPENDIX 4 – Statement of Fitness for Work or "Fit Note" Guidance for Line Managers .....</b>	<b>26</b>
4.1 Getting a Fit Note .....	26
4.2 Rules of the Fit Note.....	26
4.3 Assessment of Fitness to Work .....	26
4.4 Issuer's Details.....	27
<b>APPENDIX 5 – FIRST ABSENCE REVIEW MEETING NOTES FORM.....</b>	<b>28</b>

## **1. Scope**

This policy applies to all employees in the Trust. The purpose of the policy is to manage absence due to ill-health. Absences for reasons other than ill-health e.g. domestic emergencies, dependants' leave etc. is dealt with under the Special Leave Policy.

This policy includes clear procedures for the monitoring of employee absence, taking appropriate action, and encouraging the promotion of good health.

The Trust uses Every HR to assist with the management of health and attendance.

The recognised trade unions have been consulted on this policy and its associated annexes.

## **2. Policy Purpose**

The Trust is committed to securing good employee relations through providing for the care and welfare of its employees whilst managing attendance levels and recognising that effective management of attendance will benefit all employees and contribute to the principal aim of educating the children in its care.

The school will ensure that this policy and procedure is applied fairly and consistently.

Employees who are absent due to ill-health will be approached in a sensitive and caring manner with due regard to confidentiality.

Wherever possible, assistance will be offered to help sick employees regain full health. Support, counselling and rehabilitation, where possible, will be offered to employees when recommended by Occupational Health. Additional assistance will be offered wherever reasonably practicable to employees with disabilities. When employees are found to be partially/permanently incapable of continuing with their duties due to ill-health, the school will endeavour to offer redeployment for alternative work, subject to vacancies and suitability.

When all possible practical alternative options have been explored, or where there are no prospects of the employee's return to work, the termination of employment on grounds of ill-health or incapability due to absence will be considered in line with this policy.

## **3. Roles and Responsibilities**

### **3.1 Employee's Responsibility**

The responsibility of each employee is to:

- Attend work when fit to do so.
- Comply with the school's managing attendance reporting procedures, as defined below, both during their absence and upon their return to work.
- Ensure medical advice and treatment, where appropriate, is received at the earliest time in order to facilitate a return to work.
- Keep the designated person informed of any significant developments as defined under the policy's reporting procedures.
- Provide the school / Trust with a acknowledges 'Return to Work' form using Every HR after each period of sickness absence and complete self-certification
- Provide the school with a Statement of Fitness for Work ('Fit Note') if the absence continues beyond 7 consecutive calendar days.

### 3.2 Headteacher's Responsibility

The Headteacher's responsibility is to manage the attendance of employees of the school by:

- Acting fairly and consistently in applying the appropriate procedures as set out in this policy.
- Ensuring that accurate sickness records are maintained for monitoring and sick pay purposes using EveryHR.
- Using EveryHR provide the employee with a completed 'Return to Work' form after each period of sickness absence, this may be completed by the employee's line manager.
- Establishing clear action plans for the employee where it is decided that action is justified and ensuring that these are clearly communicated to that employee.
- Seeking advice from Trust HR support, The Trust's HR consultant (Schools HR) and Occupational Health as appropriate.

### 3.3 Notification and certification of sickness absence

The school will determine who should be informed if an employee is sick and unable to attend work. This may be the Headteacher, the employee's line-manager or other designated member of staff. For the purpose of this policy this person will be defined as the "designated person".

If, for reasons of confidentiality or sensitivity, an employee does not feel able to discuss details of their absence with the Headteacher or designated person, they may speak to an alternative member from the school's senior management team or their trade union representative to raise the issue with the designated person on their behalf.

This procedure recognises that individual schools will have their own sickness absence reporting procedures in place, and these should be clearly communicated to employees as part of their induction process.

However, the following general principals should be adopted:

- If an employee is sick and unable to attend work they must notify the designated person as soon as possible prior to their normal starting time.
- The designated person will establish the nature of the illness and the anticipated length of the employee's sickness absence.
- The designated person will agree with the employee that if the absence is likely to extend beyond one day, what further notification would be appropriate.
- In cases where an employee's medical condition prevents them from notifying the school personally, they must ensure that someone else notifies the school on their behalf.
- Where an employee attends work and then goes home sick before 12 noon this will be counted as a full day's sickness absence. If the employee leaves after 12 noon this will be counted as half a day's sickness absence.
- If an employee fails to notify the school of their sickness absence or provide appropriate sickness certification, the Headteacher or designated person should seek to find out the reasons why the employee has not complied with the process. If the Headteacher or designated person is satisfied with the explanation, then no action need be taken. However, if the Headteacher or designated person is not satisfied with the explanation, then disciplinary action may be taken.

## 4. Medical Certification of Sickness Absence

### 4.1 Absence beyond seven calendar days

Where absence extends beyond 7 calendar days, regardless of work pattern, the employee must submit a Statement of Fitness for Work ('Fit Note') from the eighth day of absence. Where the dates of absence covered by the fit note are exceeded and the employee continues to be absent, further fit notes must be sent within one week of expiry of the previous fit note. The fit note must also cover any periods of school holidays which may fall during the employee's continuous sickness absence.

## **4.2 Foreign and other medical certificates**

Foreign medical certificates and other medical certificates will be dealt with on a case by case basis. The onus is on the employee to ensure that there are adequate details available to verify and contact the source. There is no guarantee that foreign certificates or other medical certificates will be accepted by the school / Trust.

## **4.3 Failure to provide a fit note or appropriate medical certificate**

If an employee fails to provide the school with a fit note or appropriate medical certification, the Headteacher or designated person should seek to find out the reasons why the employee has not complied with the process. If appropriate, the Headteacher or designated person may consider the absence as unauthorised and pay may be stopped, and the matter will be subject to action under the Trust's Disciplinary Policy & Procedure.

## **5. Return to Work Process**

When an absence is closed on EveryHR, the system will generate a Return-to-Work notification which is issued to the employee and their line manager.

As soon as possible following the employee's return to work, the employee's line manager/designated person will meet with the employee for a Return-to-Work Meeting. It is recommended that the Return-to-Work Meeting should be with the employee's immediate line manager, however where this is not possible the school may wish to designate another member of staff taking into account the employee's position within the school. The meeting should be documented using the Return-to-Work Form on Every HR. The employee is required to acknowledge the Return-to-Work Form and Self Certify where appropriate. These can be found under 'My Task' section on Every HR. The employee may add written comments and will sign to confirm that they have received a copy of the record using EveryHR. The Return to Work Meeting Record and the Return to Work (Self Certification) Form will form part of the employee's personnel record.

Whatever the local arrangements, the school should aim to complete the Return-to-Work Meeting **within 5 working days** of the employee's return to work.

### **5.1 General points on the return-to-work process**

The Return-to-Work Meeting provides an opportunity for the manager to:

- Welcome the employee back to work;
- Enquire after the employee's health;
- Give the employee an opportunity to draw attention to any particular problems, work related or not, which may affect their attendance;
- Offer appropriate help and support e.g. access to counselling, workload adjustments where appropriate;
- Update the employee on any developments at work during their absence;
- Receive the Return to Work (Self Certification) Form/Fit Notes as appropriate;
- Review options for employees who might have been absent due to reasons associated with a disability within the meaning of the [Equality Act 2010](#).

It is recommended that a review of the employee's absence record over the rolling 12-months period or within the fixed 26 complete working weeks review period (as appropriate if review is set) is completed as part of the Return to Work meeting. Whether the triggers have been breached for a further review, Trust HR will notify the line manager / designated person.

Where the line manager has any doubt about the employee's fitness to resume their contractual duties, they should seek advice from Trust HR and, where applicable, Occupational Health and discuss options with the employee.

## **6. Confidentiality**

All sickness absence should be treated in a confidential manner with information only being shared on a "need to know" basis for the purposes of meeting service delivery requirements and to implement and monitor this Policy.

All documentation will be kept on the employee's personal file. The information contained in these records may be disclosed to the line manager/designated person, Trust HR, The Trusts HR consultant (Schools HR), legal services, Occupational Health and the nominated officers responsible for monitoring sickness absence but to no one else without the employee's consent.

If, for reasons of confidentiality or sensitivity, an employee does not feel able to discuss details of their absence with the Headteacher or designated person, they may speak to an alternative member of the school's senior management team or their trade union representative to raise the issue with the Headteacher or designated person on their behalf. However, it is considered that the principal responsibility for managing the processes outlined in this document remains with the Headteacher or designated person.

## **7. Attendance Standards**

### **7.1 Initial attendance standards**

It is recognised that setting attendance standards is important to ensure consistency and fairness in dealing with ill health and absenteeism.

#### **Short-Term sickness absence**

The initial defined levels of short-term sickness absence that will prompt action in accordance with this procedure are as follows:

- 10 days of sickness absence within a Rolling 12-months period for full-time staff
- For staff on part time contracts who work less than 5 days per week, the 10 trigger days will be prorated and will be rounded down if 0.4 or below and up if 0.5 or over. The prorata does not apply to term time only staff or staff working less than full time weekly hours but still working 5 days a week.

#### **Long-Term sickness absence**

The defined levels of long-term sickness absence that will prompt action in accordance with this procedure are as follows:

- A continuous period of sickness absence of 4 working weeks (see paragraph below).

For employees who are employed on a term-time only basis, sickness absences which fall in school holidays will not be counted towards the triggers for action under this policy. This will invariably apply to long-term absences rather than short-term absences. Any school holidays which fall in one continuous period of sickness absence should be discounted for the purposes of counting the number of days/weeks/months towards the triggers.

For staff employed on a variation to the term-time only contract, any sickness falling during designated working weeks will be counted towards the trigger.

For staff with more than one contract each contract will be treated separately with separate absence triggers. If a Stage 1 review meeting is triggered by either role, the first sickness absence review meeting will cover both roles to identify whether the absence is specific to one role or may impact the second role. If a Stage 2 or a contract review meeting is triggered by either role, the meeting will be specific to that role. If both roles trigger a Stage 2 or contract review meeting, they will be addressed in the same meeting.

### **7.2 Subsequent attendance standards and review periods**

Once an employee enters into the procedure they will be set a fixed review period, at the Sickness Absence Review Meetings, over which their attendance will be monitored against the set attendance

standards, and any breaches of the attendance standards within the fixed review period will instigate the next stage of the procedure.

### **Short-Term sickness absence review period**

A fixed 26 complete working weeks review period will be set. The fixed 26 complete working weeks review period is defined as 26 working weeks commencing the day after the First/Second Sickness Absence Review Meeting (Short-Term).

- Attendance standard triggers within the fixed 26 complete working weeks review period: 9 days or 3 periods of sickness absence.

If these triggers are reached within the fixed 26 complete working weeks review period, then the Headteacher/Designated Line Manager will progress to the next stage within the Procedure for Dealing with Short-Term Absence.

For staff on parttime contracts who work less than 5 days per week, the 9 trigger days will be prorated and will be rounded down if 0.4 days or below and up if 0.5 days or over. The 3 periods of sickness absence will not be prorated. The prorata does not apply to term time only staff or staff working less than full time weekly hours but still working 5 days a week.

### **Long-Term sickness absence review period**

Where the employee is on sickness absence at the time of the First/Second Sickness Absence Review Meetings, the review period will be 2 working months from the date of the Sickness Absence Review Meeting.

- Attendance standard triggers within the review period: If the employee has not returned to work within 2 working months from the date of the Sickness Absence Review Meeting, the Headteacher/Designated Line Manager will progress to the next stage within the Procedure for Dealing with Long-Term Sickness Absence.

If the employee returns to work within the 2 working month review period, then at the Return to Work Meeting, a fixed 26 complete working weeks review period will be set starting from the date of the employee's return to work.

- Attendance standard triggers within the fixed 26 complete working weeks review period: If the employee has a further period of a continuous absence of 4 working weeks, the Headteacher/Designated Line Manager will progress to the next stage within the Procedure for Dealing with Long-Term Sickness Absence.

### **7.3 Reverting from fixed to rolling review period**

At the end of the fixed 26 complete working weeks review period, where there has been no breach of the set triggers, the monitoring of absences will revert to a rolling 12 month period and this can include counting back into the fixed 26 working week review period which has just ended and include any sickness absences which may have occurred in this period.

### **7.4 Overlapping fixed 12 month review periods for Short-Term and Long-Term sickness absence**

Short-Term and Long-Term sickness absence must be dealt with separately. Therefore, it is feasible that an employee will be affected by both processes at the same time and will have two different fixed review periods running concurrently. When referring to these periods, they should be clearly defined as either short-term or long-term.

### 7.5 Intervening sickness absence

Where an employee is off sick in the period between their return to work and the date of the Sickness Absence Review Meeting, this absence will be considered at the meeting but will not count towards any subsequent triggers that are set at the meeting.

### 7.6 Linked absences

When an employee returns from a day or period of sickness absence, and within 7 calendar days is off sick for the same reason, the linked absences will be treated as one period of sickness absence. This should be confirmed to the employee at the Return-to-Work Meeting.

### 7.7 Maintaining regular contact

The line manager/designated person should maintain regular contact with an employee who is on long-term sickness absence. It is recommended that contact should occur at least once a month. Consideration should be given to the employee's preference about the appropriate means of communication, which may include telephone communication, email and/or letter. The primary purpose of the contact is to keep the employee aware of what is going on in the workplace and to keep the line manager/designated person informed of the employee's progress of any treatment, recovery and prospect of returning to work.

## 8. Referring Employees to Occupational Health

The line manager/designated person may refer an employee to Occupational Health at any time within this procedure to establish the employee's medical situation. In any event, a referral should be made after a continuous sickness absence of **4 weeks or more**.

Where the reason for an employee's sickness absence is given as stress/depression or other mental health condition, whether work related or not, steps should be taken to refer the employee to Occupational Health **as soon as possible**.

Advice must be sought from Occupational Health prior to any action within the scope of the Contract Review Hearing stage.

The Occupational Health Physician/Advisor will assess the employee's medical position and advise the school about the employee's fitness to return to work and to undertake the duties of the post with or without reasonable adjustments, on the information available to them.

Occupational Health meetings must be conducted in a safe, private environment to facilitate an open conversation. It is the employee's responsibility to ensure they make suitable arrangements to facilitate this. It is at the discretion of the Occupational Health Physician/Advisor to cancel the call if they do not feel the conditions for the call have been met.

The Occupational Health assessment will be conducted by telephone, and the call may originate from a withheld or unknown number. It is the employee's responsibility to ensure that their device settings enable calls from withheld or unknown numbers to be received.

In the event an employee fails to attend, the appointment should be rearranged for a mutually convenient time within a reasonable timeframe (within 2 weeks) and the contract review meeting rescheduled to accommodate this.

If an employee:

- refuses to attend an Occupational Health appointment, or
- fails to meet the requirements of the appointment or to attend the re-arranged Occupational Health appointment, or

- attends an OH appointment and refuses to release the report to the employer within 3 working days from the date of receipt

the Contract Review Meeting will proceed based on the information available at the time. The Panel will make decisions based on the evidence submitted, and the employee will be informed that the absence of Occupational Health advice may limit the Panel's ability to consider medical factors.

Where an Occupational Health report is not available, due to any of the above reasons, the employee may choose to obtain independent medical advice at their own expense. Any such report may be submitted to the panel for consideration no later than 3 working days before the meeting date.

## **9. Medical Appointments**

Medical appointments such as GP, dentist, and optician should be taken in the employee's own time.

Reasonable paid time off will be given for attendance for medical emergencies.

Reasonable paid time off will be given for hospital appointments as the employee has less control over the date and time when these are scheduled. The employee will be asked to provide evidence of the appointment from the hospital. [This should be uploaded with a LOA request on Every HR.](#)

If following a medical appointment, an employee is too ill to return to work that day, the resulting absence will be counted as a half-day sickness absence.

Paid time off will be given for an employee to attend appointments arranged by Occupational Health following a management referral.

## **10. Phased Returns to Work**

A phased return to work may be advised by the Occupational Health and/or an appropriate medical professional/specialist to facilitate recovery and rehabilitation back into the workplace following a period of sickness absence by enabling the employee to work reduced hours for a fixed period of time.

Occupational Health are able to provide advice on the suggested phased return relevant to the employee and how this should be structured, including the number of hours, working pattern and the duration of the phased return.

An employee returning to work on a phased basis will be paid as follows:

- Where the employee has exhausted their entitlement to sick pay, the salary payments made will be based on the number of hours worked.
- Where the employee is in receipt of sick pay at the time of their return to work on a phased basis, they will be paid the sick pay that would have been paid if the employee remained off sick or be paid in accordance with the number of hours worked whichever is the greater amount. Any sick pay paid during a period of phased return will not count against the employee's sick pay entitlement.
- Where a phased return results in the employee working more weekly hours than their remaining sick pay entitlement covers, any hours worked in excess of that entitlement will be paid based on actual hours worked. These hours will be paid at the applicable enhanced hourly rate.
- Where school closure periods fall within a period of phased return they will be paid at the rate of pay immediately preceding the school closure period.
- If the employee is unable to return to their normal contracted hours after three months, salary payments will be based on the number of hours worked.

Where the phased return continues beyond a 3-month period, advice should be sought from the Trust's HR Consultant (Schools HR).

Further guidance on managing phased returns to work is given in [Annex 3](#)

## 11. Pregnancy-related Sickness Absence

An employee who is pregnant is afforded special protection under the [Equality Act 2010](#) against unfair treatment because of her pregnancy. It is unlawful to dismiss an employee for reasons connected with her pregnancy. For this reason, any pregnancy related sickness absence must be recorded separately from other sickness absence and must not be counted towards the triggers for action under this policy. If there is uncertainty whether the reason for sickness absence is pregnancy related, advice should be sought from Occupational Health.

Pregnancy related sickness absences will however still be subject to the school's sickness absence reporting procedures.

If the employee is absent due to a pregnancy related sickness in the 4 weeks before the week in which the baby is due (please note that the statutory weeks counted commence from the Sunday), her maternity leave will automatically commence the day after her first day of absence.

Ongoing risk assessments for new and expectant mothers are important in identifying hazards in the workplace that could pose a health and safety risk and inform appropriate action to remove or reduce the risk and consequently help reduce pregnancy related sickness absence.

## 12. Terminal Illness

Where an employee has a terminal prognosis, the line manager/designated person should seek advice from the Trust's HR Consultant (Schools HR) at the earliest opportunity.

In some exceptional circumstances, where an employee is incapacitated and unable to engage with the process, there may be discretion in the operation of the policy. This discretion rests solely with the Governing Board.

The line manager/designated person needs to bear in mind that although such sickness absence is managed in much the same way as for other school employees, there are some particular points that should be noted.

The line manager/designated person, in consultation with Trust HR, the Trust's HR Consultant (Schools HR) and Occupational Health, may use the formal review meetings to explore options with the employee in relation to entitlements to sick pay and leave, as well as the relative financial implications for the employee if they retire or die in service.

The line manager/designated person may wish to consider how to deal with a number of eventualities that may include:

- The employee may wish to continue attending work for as long as possible; a referral to Occupational Health will help to establish the employee's medical situation.
- The employee may need extensive time away from work to undergo treatment or to take a period of sickness absence.
- The employee, though fit to attend work, may wish to take time off work.
- The employee continuing in employment until their death.
- The employee leaving employment and if eligible, receiving benefits from their pension.

## 13. Disability – Reasonable Adjustments

An employee has a disability within the meaning of the [Equality Act 2010](#) if they have a physical or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day-

to-day activities. Long-term means that the condition must last, or is likely to last, for at least 26 working weeks, or it is likely to last for the rest of the life of the person affected.

Line managers need to consider and be sensitive to the possibility that an employee's period of sickness may be caused by a disability. This is particularly true in respect of possible psychiatric conditions including depression, which may result in repeated periods of absence (combined possibly with poor work as a result of lack of concentration etc.)

Employers have a statutory obligation to make reasonable adjustments for employees who have a disability. When all reasonable adjustments have been explored, an employee can be dismissed, following a Contract Review Hearing, if they can no longer perform the main functions of their job. Advice must be sought from the Trust's HR Consultant (Schools HR).

The nature of the reasonable adjustments will depend on the circumstances of each case. Where no reasonable adjustment would overcome a particular disability and enable the employee to continue in their existing role, reasonable adjustments can include the redeployment of the employee to an alternative post. Reasonable adjustments can also include provisions made to assist a gradual return to the full contracted hours or, for example, a change to part-time hours. Reasonable adjustments recommended by Occupational Health will also need to be considered.

#### **14. Other Health Issues**

Where absences are related to other health issues which may give rise to claims under the [Equality Act 2010](#), additional considerations may apply. These should be explored further with Occupational Health and the Trust's HR Consultant (Schools HR).

While sickness absences related to a condition under the Equality Act 2010 are counted towards triggers, these should nevertheless be distinguished from other sickness absences.

## APPENDIX 1 - Procedure for Dealing with Short-Term Sickness Absence

### 1.1 Short term Sickness Definition

If an employee breaches the Short-Term triggers within a rolling 26 complete working weeks period, HR will

- Notify the line manager and confirm a meeting date and provide a link to the **Sickness Absence Meeting Note Form** to be completed.
- On confirmation of the date, invite the employee to the meeting. The meeting invite will include a summary of the employee's absence record. If an employee does not agree with the absence record it will be discussed at the absence meeting.

Short-Term triggers are: 10 days over a rolling 12 month period for full-time employees, pro-rata for part-time staff (as per 7.1)

### 1.2 Stage 1 – First Sickness Absence Review Meeting (Short-Term)

The First Sickness Absence Review Meeting (Short-Term) should take place **within 3 working weeks** of the employee's return to work.

The employee will be given at least **5 working days'** written notice of the meeting. The letter will state the date, time and place of the meeting, the reason for the meeting, and the right to be accompanied by a trade union representative or a work colleague. A copy of the Managing Attendance Policy and the Procedure for Dealing with Short-Term Sickness Absence (this procedure) will be enclosed with the letter.

At the First Sickness Absence Review Meeting (Short-Term), the line manager/designated person will:

- Confirm the dates and periods of sickness absence in the previous rolling 12-month period and ensure that records are up to date and accurate.
- Review the employee's sickness absence; explore any underlying causes, including any available medical evidence.
- Give the employee an opportunity to present any information regarding their sickness absence.
- Consider any options that might help the employee to reduce their levels of sickness absence. This might include a review of their working hours/type of work that they do, making the employee aware of the school's counselling service, if appropriate.
- Advise the employee that if their sickness absence levels do not improve and after exhausting all of the procedures in this policy, it may eventually lead to dismissal.
- Set the fixed 26 complete working weeks review period and outline the triggers that are applicable.
- The fixed 26 complete working weeks review period is defined as 26 working weeks commencing the day after the First Sickness Absence Review Meeting (Short-Term). If during this period the employee breaches the triggers detailed below, the line manager/designated person will proceed to Stage 2 - Second Sickness Absence Review Meeting (Short-Term).

The triggers are:

- 9 days or 3 periods of sickness absence within the fixed 26 complete working weeks review period for full-time employees, pro-rata for part-time staff (as per 7.2) commencing the day after the First Sickness Absence Review Meeting (Short-Term)

The outcome of the First Sickness Absence Review Meeting (Short-Term) will be documented in the Sickness Absence Meeting Notes Form. A copy of the completed form will be sent to the employee and Trust HR **5 working days** of the meeting. In the event the employee disagrees with the content of the form, they should contact Trust HR within 5 working days of receipt of the form. If no communication is received from the employee within this timeframe, the form will be deemed to have been acknowledged and accepted as accurate.

If satisfactory attendance levels are maintained, there will be no further formal meetings under this procedure.

Once an employee has cleared the 26 complete working weeks fixed review period without any breaches, the monitoring of absences will revert to a rolling 12 month period and this can include counting back into the 26 complete working weeks fixed review period which has just ended and include any sickness absences which may have occurred in this period.

If the employee breaches the attendance standards set within the fixed 26 complete working weeks review period, the matter will progress to Stage 2 – Second Sickness Absence Review Meeting (Short-Term).

The Sickness Absence Review Meeting Note form can be accessed directly from Trust HR in an editable word format.

### **1.3. Stage 2 - Second Sickness Absence Review Meeting (Short-Term)**

If any of the triggers set at the First Sickness Absence Review Meeting (Short-Term) are breached, HR will

- Notify the line manager and confirm a meeting date and send the Stage 2 paperwork which will include the previous **Sickness Absence Meeting Note Form**.
- On confirmation of the date, invite the employee to the meeting. The meeting invite will include a summary of the employee's absence record and. If an employee does not agree with the absence record it will be discussed at the absence meeting.

The Second Sickness Absence Review Meeting should take place within **3 working weeks** of the employee's return to work.

The employee will be given at least **5 working days'** written notice of the meeting. The letter will state the date, time and place of the meeting, the reason for the meeting and the employee's right to be accompanied to the meeting by a trade union representative or work colleague. A copy of the [Managing Attendance Policy](#) which includes this procedure will be enclosed with the letter.

The objectives of the meeting will be to:

- Confirm the dates and periods of sickness absence since the First Sickness Absence Review Meeting (Short-Term) and to ensure that records are up to date and accurate.
- Review the employee's sickness absence; explore any underlying causes, including any available medical evidence.
- Give the employee an opportunity to present any information regarding their sickness absence.
- Consider whether the employee should be referred to Occupational Health to seek advice about the employee's medical situation.
- Review any previous efforts made to help the employee reduce their levels of sickness absence, and to consider any further options to help reduce levels of sickness absence.
- Advise the employee that if their sickness absence levels do not improve, once all appropriate procedures have been exhausted, consideration may be given to dismissal at the Contract Review Hearing stage of the process (Stage 3).
- Set the fixed 26 complete working weeks review period and outline the triggers that are applicable.
- The fixed 26 complete working weeks review period is defined as 26 working weeks commencing the day after the Second Sickness Absence Review Meeting (Short-Term). If during the fixed 26 complete working weeks period the employee breaches the triggers detailed below, the case will proceed to Stage 3 - Contract Review Hearing.

The triggers are:

- 9 days or 3 periods of sickness absence within the fixed 26 complete working weeks period for full-time employees, pro-rata for part-time staff (as per 7.2), commencing the day after the Second Sickness Absence Review Meeting (Short-Term).

The outcome of the meeting will be confirmed in writing by Trust HR to the employee within **5 working days** of the Second Sickness Absence Review Meeting (Short-Term).

The outcome of the meeting will be documented in the Sickness Absence Meeting Notes Form. A copy of the completed form will be sent to the employee and Trust HR **5 working days** of the meeting. In the event the employee disagrees with the content of the form, they should contact Trust HR within 5 working days of receipt of the form. If no communication is received from the employee within this timeframe, the form will be deemed to have been acknowledged and accepted as accurate.

If satisfactory attendance levels are maintained, there will be no further formal meetings under this procedure.

Once an employee has cleared the 26 complete working weeks fixed review period without any breaches, the monitoring of absences will revert to a rolling 12 month period, and this can include counting back into the 26 complete working weeks fixed review period which has just ended and include any sickness absence which may have occurred in this period.

If the employee breaches the attendance standards set within the fixed 26 complete working weeks review period, the matter will progress to Stage 3 - Contract Review Hearing.

### **1.4 Non-Attendance of Stage 1 or Stage 2 meetings**

In the event an employee is unable to attend a confirmed Stage 1 or Stage 2 meeting it will be rearranged at a mutually convenient time for all parties within an acceptable timeframe (within 2 weeks).

If the employee is unable to attend, or fails to attend without providing notification, the rearranged meeting will proceed in their absence. In such circumstances, the employee may wish to:

- submit a written statement in advance for consideration or
- arrange for their union representative to attend on their behalf.

This must be confirmed to the HR team by the end of the working day prior to the rescheduled meeting.

### **1.5 Stage 3 - Contract Review Hearing**

If any of the triggers set at the Second Sickness Absence Review Meeting (Short-Term) are breached, Trust HR will coordinate the management of the process.

Trust HR will arrange a Contract Review Hearing meeting as soon as is reasonably practicable and it will normally be held within **6 working weeks** of the employee's return to work.

A Contract Review Hearing Panel will consider the case at the hearing and the panel will consist of 3 governors. It should consist of the CEO or Headteacher and two governors who are not staff governors and, ideally, not parent governors and who have not previously been involved in the case. If it is not appropriate for the headteacher to be on the panel either because they have been previously involved (e.g. at Stages 1 and 2 of the procedure), or they could not be seen as being impartial, or for any other valid reason, another governor should replace them on the panel.

It is strongly recommended that a representative from Schools HR is also in attendance in an advisory capacity to the Panel.

#### **1.4.1 Prior to the Contract Review Hearing**

The line manager/designated person will prepare a report that includes:

- A chronological list of the dates and periods of sickness absence from the date that action was first taken under the Policy and the stated reasons for the sickness absences.
- A chronological list of the dates of action taken under the Policy. This includes, where appropriate:
- Records of the Return-to-Work Meetings
- Records of the First and Second Sickness Absence Review Meetings (Short-Term)
- All available medical evidence, including self-certifications, fit notes, and a recent report from Occupational Health (e.g. within the last **three** months).

- An assessment of the impact of the absence on the service area and colleagues
- A summary of any previous efforts made to support and assist the employee, including any efforts made at redeployment, and reasonable adjustments which have been considered throughout the process.
- The employee's employment record and any other relevant information e.g. details of their job role, length of service etc.

The employee will be given at least **10 working days'** written notice of the Contract Review Hearing. The letter will state the date, time and place of the Hearing, include a copy of the line manager's/designated person's report with all attachments and a copy of the Managing Attendance Policy and this procedure, and advise the employee that they may be accompanied to the hearing by either a trade union representative or a work colleague.

#### **1.4.2 At the Contract Review Hearing**

The Chair of the Contract Review Hearing Panel will state the objectives of the hearing which are:

- To confirm dates and periods of sickness absence since the beginning of the process and ensure records are up to date and accurate.
- To review the employee's sickness absence record in the light of any available medical evidence which will include an Occupational Health assessment report completed within the last **three** months.
- To provide an opportunity for the employee to present their case with documents to be provided 10 days in advance of the hearing.
- To review any previous efforts to assist the employee, including reasonable adjustments where the reasons for absence is due to a medical condition regarded as a disability under the [Equality Act 2010](#).
- To review the type of work that the employee does and the impact of their sickness absence on service delivery and colleagues.
- To consider the availability of alternative work, where appropriate.
- To ensure all the appropriate procedures have been followed and that any proposed action is reasonable in all the circumstances; including referrals to Occupational Health as appropriate and confirmation that the employee has been advised that if the attendance standards were not met, dismissal may be considered.

The Line Manager/designated person will present the facts of the case at the hearing.

The employee and/or their representative will have the opportunity to respond to the information provided by the line manager/designated person and to present any information that they consider relevant to their sickness absence e.g. treatment plans, medical prognosis.

The Contract Review Hearing Panel may ask questions of both parties and seek advice from appropriate sources prior to reaching their decision.

The Contract Review Hearing Panel may consider an adjournment to consider the information presented or seek further information. Where further information is provided, both sides will have the opportunity to comment.

#### **1.4.3 Outcome of the Contract Review Hearing**

The outcome of the Hearing will depend on the assessment by the Contract Review Hearing Panel of the facts and circumstances of the case. The Contract Review Hearing Panel may decide on the following outcomes:

- Dismissal or
- Give the employee a further and final opportunity to meet the attendance standards and reset the review period.

The Contract Review Hearing Panel may consider the following guidance in reaching a decision:

- At the Second Sickness Absence Review Meeting (Short-Term), the employee would have been advised that the subsequent review period being set would be their final opportunity to improve

their attendance; and that if the case was to reach the Contract Review Hearing stage, consideration may be given to dismissal. In the circumstances it would be reasonable that where the reason for the sickness absence is not due to a condition considered to be regarded as a disability under the Equality Act 2010 the outcome of the Contract Review Hearing would be dismissal. The reason for dismissal would normally be due to persistent levels of sickness absence which are unacceptable to the school.

Dismissal will be with paid contractual / statutory notice whichever is the greater. Employees will not be required to work during their notice period.

As an alternative to dismissal, the Contract Review Hearing Panel may decide to give the employee a further and final opportunity to meet the attendance standards, if there are mitigating circumstances present.

Where the Panel decides that the employee can remain in employment, the original triggers will be set (i.e. 9 days or 3 periods within a fixed 12 month period) starting from the day after the Contract Review Hearing.

The outcome of the Hearing will be confirmed in writing to the employee within **5 working days** of the Contract Review Hearing.

### **1.5 Notice Periods**

The period of notice for **support staff** is one week's pay for each year of service in the post up to a maximum of 12 weeks or the contractual notice, whichever is greater.

The period of notice for **teachers** must be as stated in the Conditions of Service for School Teachers (Burgundy Book). Notice to terminate employment must be given by the specified dates (by 31<sup>st</sup> October to end employment on 31<sup>st</sup> December, by 28<sup>th</sup> February to end employment on 30<sup>th</sup> April and by 31<sup>st</sup> May to end employment on 31<sup>st</sup> August) and notice pay will be to the end of that term. Teachers who have over 8 years continuous employment are entitled to longer notice based on their total continuous service, which is calculated based on one week for every complete year of service up to a maximum of 12 weeks.

The notice period starts from the date when the employee is informed that they are to be dismissed.

## **1.6. Appeal Hearing**

The employee has the right to appeal against the decision to dismiss.

### **1.6.1 Grounds of Appeal**

The appeal is against the dismissal decision reached at the Contract Review Hearing and is not a re-hearing of the case. The employee can appeal on the following grounds:

- The severity of the action and/or
- The finding of the Contract Review Hearing on a point of fact and/or
- A failure to adhere to agreed procedure and/or
- New evidence is available.

### **1.6.2 Prior to the Appeal Hearing**

If the employee wishes to appeal, they must submit their appeal in writing to Trust HR **within 10 working days** of the date of receipt of the letter confirming the outcome of the Contract Review Hearing. The employee's appeal document must clearly state the reason(s) for the appeal and any supporting information.

The Chair of the Contract Review Hearing Panel should prepare a management case statement detailing the decision taken at the Contract Review Hearing, explaining the reasons for this decision, and answering any issues that may have been raised in the employee's appeal statement. This should be sent to the

employee at the same time as notification of the Appeal Hearing along with a copy of the previous Contract Review Hearing pack and outcome letter (with hearing notes).

The Appeal Hearing should be convened within **6 working weeks** from receipt of the employee's appeal. The employee should be given at least **10 working days** written notice of the Appeal Hearing.

The appeal will be heard by an Appeals Panel consisting of three Governors / Trustees who are not staff governors and, ideally, not parent governors and who have not previously been involved in the case. The Chair of the Contract Review Hearing Panel will be required to present the management case at the appeal and, for the purposes of this procedure, will be known as the 'The Presenting Officer'. In the absence of the Chair of the Contract Review Panel being available to present the case, this responsibility will fall to one of the other two members of the Contract Review Panel.

### **1.6.3 At the Appeal Hearing**

The Chair of the Appeals Panel will state the purpose of the appeal which is to consider the grounds of the appeal.

The Chair will explain the procedure to be followed:

- The employee and/or their representative will present relevant information in support of their appeal.
- The Presenting Officer will have the opportunity to respond and provide information relevant to the appeal.
- The Appeal Panel may ask questions of The Presenting Officer and employee and seek advice prior to reaching their decision.
- The Appeal Panel may adjourn to consider the information presented or seek further information before reaching their decision. Where further information is provided, both parties will have the opportunity to comment.

### **1.6.4 Outcome of the Appeal Hearing**

The Appeal Panel will ask both parties to withdraw whilst the decision is considered. Once a decision has been reached, both parties will be recalled and advised of the decision which will be confirmed to the employee, in writing, within **5 working days** of the decision; which could be one of the following:

- Dismiss the appeal and uphold the decision to terminate employment
- Uphold the appeal and reinstate the employee, setting a new review period, sickness absence triggers and any other action they might consider to be appropriate and reasonable depending on the circumstances of each case.

## APPENDIX 2 - Procedure for Dealing with Long-Term Sickness Absence

### 2.1 Long term Sickness Definition

Long term absence is a continuous period of sickness absence of 4 working weeks or more.

Where the reason for the absence is due to a medical condition defined as a disability under the [Equality Act 2010](#), reference should be made to the "Disability – reasonable adjustments" guidance (see [Section 13 of the Managing Attendance Policy](#)).

See Paragraph 7.7 of the [Managing Attendance Policy](#) for details about maintaining regular contact with an employee during their sickness absence.

### 2.2 Stage 1 - First Sickness Absence Review Meeting (Long-Term)

HR will

- Notify the line manager and confirm a meeting date and provide a link to the **Sickness Absence Meeting Note Form** to be completed.
- On confirmation of the date, invite the employee to the meeting. The meeting invite will include a summary of the employee's absence record. If an employee does not agree with the absence record it will be discussed at the absence meeting.

The employee will be given at least **5 working days'** written notice of the meeting. The letter will state date, time and place of the meeting, the reason for the meeting and the employee's right to be accompanied to the meeting by a trade union representative or a work colleague. A copy of the [Managing Attendance Policy](#) and the Procedure for Dealing with Long-Term Sickness Absence (this procedure) will be enclosed with the letter.

If the employee wishes, the meeting may take place at another appropriate mutually agreed venue rather than their normal place of work. If the employee is unable to attend due to their ill health, they may ask their representative to attend on their behalf or they may wish to send in a written submission to be considered at the meeting.

The objectives of the meeting will be:

- To review the employee's sickness absence record and to explore any underlying medical causes for their absence, including any medical evidence e.g. outcome of referral to Occupational Health.
- To provide an opportunity for the line manager/designated person to review the implications of the employee's absence on service delivery.
- To provide the employee with an opportunity to explain their sickness absence.
- To consider services which are available that might assist the employee, such as the school's Employee Assistance Programme, if appropriate.
- To consider options that might help the employee return to work.
- To inform the employee that if they have not returned to work after 2 working months from the date of the First Sickness Absence Review Meeting (long-term review period), the review period, the case will progress to the Second Sickness Absence Review Meeting (Long-Term).
- To inform the employee that if long-term sickness absence continues, after these procedures have been exhausted, consideration may be given to dismissal at the Contract Review Hearing stage.

The outcome of the First Sickness Absence Review Meeting (Long-Term) will be confirmed to the employee in writing within **5 working days** of the meeting.

During the 2 working month review period the line manager/designated person should maintain regular contact with the employee.

If the employee returns to work during the review period (within 2 working months from the date of the First Sickness Absence Review Meeting (Long-Term)), long term sickness absence standards will be set at the Return-to-Work Meeting which are:

- If the employee has a further period of absence of 4 working weeks during the fixed 26 working weeks review period, the case will proceed to the Stage 2 - Second Sickness Absence Review Meeting (Long-Term). The fixed 26 working weeks review period will start from the date of the employee's return to work.

If satisfactory attendance levels are maintained, there will be no further formal meetings under this procedure.

### **2.3 Stage 2 - Second Sickness Absence Review Meeting (Long-Term)**

If the employee breaches the long-term attendance standards within the fixed 12 month review period, Trust HR will set up a Second Sickness Absence Review Meeting (Long-Term) as soon as is reasonably practicable, but should not be any later than **three working weeks** after a continuous period of 4 working weeks of absence.

#### **OR**

If the employee continues to be on sickness absence for 2 working months or more from the First Sickness Absence Review Meeting (Long-Term), Trust HR will set up a Second Sickness Absence Review Meeting (Long-Term) as soon as is reasonably practicable, but should not be any later than **3 working weeks** after the end of the 2 working month review period.

The employee will be given at least **5 working days'** written notice of the meeting. The letter will state the date, time and place of the meeting, the reason for the meeting and the employee's right to be accompanied to the meeting by a trade union representative or work colleague. A copy of the Managing Attendance Policy and this procedure will be enclosed with the letter.

At the employee's request, the meeting may take place at another appropriate mutually agreed venue rather than their normal place of work. If the employee is unable to attend due to their ill health, they may ask their representative to attend on their behalf or they may wish to send in a written submission to be considered at the meeting.

The objectives of the meeting will be:

- To review the employee's sickness absence record and to explore any underlying medical causes for their absence, including any medical evidence.
- To provide an opportunity for the line manager/designated person to review the implications of the employee's absence on service delivery.
- To provide the employee with an opportunity to explain their sickness absence.
- To consider services which are available that might assist the employee, such as the school's Employee Assistance Programme, if appropriate.
- To consider options that might help the employee to return to work.
- To consider at this stage whether the employee would benefit from being redeployed to another post within the school.
- To inform the employee that if they have not returned to work within 2 working months from the date of the Second Sickness Absence Review Meeting (Long-Term), the review period, the case will progress to Contract Review Hearing where consideration may be given to dismissal.

The outcome of the Second Sickness Absence Review Meeting (Long-Term) should be confirmed in writing to the employee within **5 working days** of the meeting.

During the review period the line manager/designated person should maintain regular contact with the employee.

If the employee returns to work during the review period (within 2 working months from the date of the Second Sickness Absence Review Meeting), long term sickness absence standards will be set at the Return to Work Meeting, which are:

- If the employee has a further period of absence of 4 working weeks during the fixed 26 working weeks review period, the case will proceed to Stage 3 - Contract Review Hearing. The fixed 26 working weeks review period will start from the date of the employee's return to work.

If satisfactory attendance levels are maintained, there will be no further formal meetings under this procedure.

### **2.4 Stage 3 - Contract Review Hearing**

If the employee breaches the long-term attendance standards within the fixed 12 month review period, Trust HR will arrange a Contract Review Hearing as soon as is reasonably practicable, but should not be any later than **6 working weeks** after a continuous period of 4 working weeks of absence.

**OR**

If the employee continues to be on sickness absence for 2 working months from the Second Sickness Absence Review Meeting (Long-Term), Trust HR will arrange up a Contract Review Hearing as soon as is reasonably practicable, but should not be any later than **6 working weeks** after the end of the 2 working month review period.

The purpose of the Contract Review Hearing is to consider the employee's continued employment with the school.

A Contract Review Panel will consider the case at the hearing and the panel will consist of three governors. It should consist of the CEO / Headteacher and two governors who are not staff governors and, ideally, not parent governors and who have not previously been involved in the case. If it is not appropriate for the headteacher to be on the panel either because they have been previously involved (e.g. at Stage 1 or 2 of the procedure), or they could not be seen as being impartial, or for any other valid reason, another governor should replace them on the panel.

It is strongly recommended that a representative from Schools HR is also in attendance in an advisory capacity to the Panel.

#### **2.4.1 Prior to the Contract Review Hearing**

The line manager/designated person will prepare a report that includes:

- A chronological list of the dates and periods of sickness absence from the date that action was first taken under the Policy and the stated reasons for the sickness absences.
- A chronological list of the dates of action taken under the Policy. This will include, where appropriate:
  - Records of Return to Work Meetings
  - Records of the First and Second Sickness Absence Review Meetings (Long-Term)
  - All available medical evidence, including self-certifications, fit notes, and a recent report from Occupational Health (e.g. within the last two months).
  - An assessment of the impact of the absence on the service area and colleagues
  - A summary of any previous efforts made to support and assist the employee, including any efforts made at redeployment, and reasonable adjustments which have been considered throughout the process.
- The employee's employment record and any other relevant information e.g. details of their job role, length of service etc.

The employee will be given at least **10 working days'** written notice of the Contract Review Hearing. The letter will state the date, time and place of the Hearing, include a copy of the line manager's/designated

person's report with all attachments and a copy of the Managing Attendance Policy and Procedure for Dealing with Long-Term Absence, and advise the employee that they may be accompanied to the meeting by a trade union representative or a work colleague.

#### **2.4.2 At the Contract Review Hearing**

The Chair of the Contract Review Panel will state the objectives of the hearing which are:

- To confirm dates and periods of sickness absence since the beginning of the process and ensure records are up to date and accurate.
- To review the employee's sickness absence record in the light of any available medical evidence.
- To provide an opportunity for the employee to present their case, documents must be received 10 days prior to the meeting.
- To review any previous efforts to assist the employee, including reasonable adjustments where the reasons for absence is due to a medical condition regarded as a disability under the Equality Act 2010.
- To review the type of work that the employee does and the impact of their sickness absence on service delivery and colleagues.
- To consider the availability of alternative work, where appropriate.
- To ensure all the appropriate procedures have been followed and that any proposed action is reasonable in all the circumstances; including referrals to Occupational Health as appropriate and confirmation that the employee has been advised that if the attendance standards were not met, dismissal may be considered.

The line manager/designated person will present the facts of the case at the hearing.

The employee or their representative will have the opportunity to respond to the information provided by the line manager/designated person and to present any information that they consider relevant to their sickness absence e.g. treatment plans, medical prognosis.

The Contract Review Hearing Panel may ask questions of both parties and seek advice from appropriate sources prior to reaching their decision.

The Contract Review Hearing Panel may consider an adjournment to consider the information presented or seek further information. Where further information is provided, both sides will have the opportunity to comment.

The Contract Review Hearing Panel will ask both parties to withdraw whilst they make their decision.

The meeting will be minuted by Trust HR.

#### **2.4.3 Outcome of the Contract Review Hearing**

Once the Contract Review Hearing Panel have reached their decision both parties will be recalled and advised of the outcome.

The outcome of the Hearing will depend on the assessment by the Contract Review Hearing Panel of the facts and circumstances of the case. The Contract Review Hearing Panel may decide on the following outcomes:

- Dismissal or
- Give the employee a further and final opportunity to meet the attendance standards and reset the review period.

The Contract Review Hearing Panel may consider the following guidance in reaching a decision:

- It is important for the Contract Review Hearing Panel to consider the nature of the employee's illness and the medical prognosis. The key question is whether, taking account of all the circumstances of the case, the service area can be expected to wait any longer for the employee's return to work and, if so, how much longer.

- Dismissal may be considered when the employee is no longer able to carry out the main functions of their job and all options have been explored including reasonable adjustments to that job or whether an alternative job is available.

Dismissal will be with paid contractual / statutory notice, whichever is the greater. Employees will not be required to work during their notice period. Where dismissal is considered, there will be a final period to explore all reasonable alternative options to dismissal. This final period will start from the date of the letter confirming the outcome of the Hearing and will be the employee's contractual notice entitlement.

As an alternative to dismissal, the Contract Review Hearing Panel may decide to set a further review period in line with the medical advice and prognosis. However, this review period should be no more than 2 months from the date of Contract Review Hearing. If the employee has not returned to work within the 2 month period, a further Contract Review Hearing will take place.

During the review period, the line manager/designated person should maintain regular contact with the employee.

If the employee returns to work during the review period (within 2 months from the date of the First Review Meeting), long term sickness absence standards will be set which are:

- If the employee has a further period of absence of 4 weeks during the fixed 26 working weeks review period, the case will proceed to a further Contract Review Hearing. The fixed 26 working weeks period will be the 26 working weeks period from the date of the employee's return to work.

If satisfactory attendance levels are maintained, there will be no further formal meetings under this procedure.

If the employee breaches the long-term attendance standards within the fixed **26 working weeks** review period, the line manager/designated person should arrange a further Contract Review Hearing as soon as is reasonably practicable, but should not be any later than **6 working weeks** after a continuous period of 4 weeks of absence.

## **OR**

If the employee continues to be on sickness absence for 2 months or more from the date of the Contract Review Hearing, the line manager/designated person should set up a further Contract Review Hearing as soon as is reasonably practicable, but should not be any later than **6 working weeks** after the end of the 2 month review period.

The outcome of the Hearing will be confirmed in writing to the employee within **5 working days** of the Contract Review Hearing by Trust HR.

## **2.5 Notice Periods**

The period of notice for **support staff** is one week's pay for each year of service in the post up to a maximum of 12 weeks or the contractual notice, whichever is greater.

The period of notice for **teachers** must be as stated in the Conditions of Service for School Teachers (Burgundy Book). Notice to terminate employment must be given by the specified dates (by 31<sup>st</sup> October to end employment on 31<sup>st</sup> December, by 28<sup>th</sup> February to end employment on 30<sup>th</sup> April, and by 31<sup>st</sup> May to end employment on 31<sup>st</sup> August) and notice pay will be to the end of that term. Teachers who have over 8 years continuous employment are entitled to longer notice based on their total continuous service, which is calculated based on one week for every complete year of service up to a maximum of 12 weeks.

The notice period starts from the date when the employee is informed that they are to be dismissed.

## 2.6. Appeal Hearing

The employee has the right to appeal against the decision to dismiss.

The appeal is against the dismissal decision reached at the Contract Review Hearing and is not a re-hearing of the case. The employee can appeal on the following grounds:

- The severity of the action and/or
- The finding of the Contract Review Hearing on a point of fact and/or
- A failure to adhere to agreed procedure and/or
- New evidence is available.

### 2.6.1 Grounds of Appeal

The appeal is against the dismissal decision reached at the Contract Review Hearing and is not a re-hearing of the case. The employee can appeal on the following grounds:

- The severity of the action and/or
- The finding of the Contract Review Hearing on a point of fact and/or
- A failure to adhere to agreed procedure.

### 2.6.2 Prior to the Appeal Hearing

If the employee wishes to appeal, they must submit their appeal in writing to Trust HR within **10 working days** of the date of receipt of the letter confirming the outcome of the Contract Review Hearing. The employee's appeal document must clearly state the reason(s) for the appeal and any supporting information.

The Chair of the Contract Review Hearing Panel should prepare a management case statement detailing the decision taken at the Contract Review Hearing, explaining the reasons for this decision, and responding to any issues that may have been raised in the employee's appeal statement. This should be sent to the employee at the same time as notification of the Appeal Hearing along with a copy of the previous Contract Review Hearing pack and outcome letter (with hearing notes).

The Appeal Hearing should be convened within **6 working weeks** from receipt of the employee's appeal. The employee should be given at least **10 working days'** written notice of the Appeal Hearing.

The appeal will be heard by an Appeals Panel consisting of three Governors / Trustees who are not staff governors and, ideally, not parent governors and who have not previously been involved in the case. The Chair of the Contract Review Hearing Panel will be required to present the management case at the appeal and, for the purposes of this procedure, will be known as the 'Presenting Officer'. In the absence of the Chair of the Contract Review Panel being available to present the case, this responsibility will fall to one of the other two members of the Contract Review Panel.

### 2.6.3 At the Appeal Hearing

The Chair of the Appeals Panel will state the purpose of the appeal which is to consider the grounds of the appeal.

The Chair will explain the procedure to be followed:

- The employee and/or their representative will present relevant information in support of their appeal.
- The Presenting Officer will have the opportunity to respond and provide information relevant to the appeal.
- The Appeal Panel may ask questions of the Presenting Officer and employee and see advice prior to reaching their decision.
- The Appeal Panel may adjourn to consider the information presented or seek further information before reaching their decision. Where further information is provided, both parties will have the opportunity to comment.

### 2.6.4 Outcome of the Appeal Hearing

The Appeal Panel will ask both parties to withdraw whilst the decision is considered.

Once a decision has been reached, both parties will be recalled and advised of the decision which will be confirmed to the employee, in writing, within **5 working days** of the decision; which could be one of the following:

- Dismiss the appeal and uphold the decision to terminate employment
- Uphold the appeal and reinstate the employee, setting a new review period and sickness absence triggers and any other action they might consider to be appropriate and reasonable depending on the circumstances of each case.

### **APPENDIX 3 – Guidance on Phased Returns to Work**

A phased return to work may be advised by Occupational Health and/or an appropriate medical professional/specialist to facilitate recovery and rehabilitation back into the workplace following a period of sickness absence by enabling the employee to work reduced hours for a fixed period of time.

The period of a phase return should be decided on a case-by-case basis. Depending on the circumstance, agreed hours should gradually be increased over time. The period of the phased return / reduced hours can vary from 2 to 6 weeks however this should not exceed a term.

Occupational Health are able to provide advice on the suggested phased return relevant to the employee and how this should be structured, including the number of hours, working pattern and the duration of the phased return.

An employee returning to work on a phased basis will be paid as follows:

- Where the employee has exhausted their entitlement to sick pay, the salary payments made will be based on the number of hours worked.
- Where the employee is in receipt of sick pay at the time of their return to work on a phased basis, they will:
  - be paid the sick pay that would have been paid if they remained off sick **or**
  - be paid in accordance with the number of hours worked. The hours over and above the half pay hours will be paid at the enhanced hourly rate.whichever is the greater amount. Any sick pay paid during a period of phased return will not count against the employee's sick pay entitlement.
- Where school closure periods fall within a period of phased return, they will be paid at the rate of pay immediately preceding the school closure period.
- If the employee is unable to return to their normal contracted hours after three months, salary payments will be based on the number of hours worked.

The school will need to provide its payroll provider with details of the hours worked as part of the phased return.

A phased return to work should be monitored and managed by both the Headteacher/Designated Line Manager, and should last no longer than three months. If it becomes evident that the employee is unable to return to their normal contracted hours after a period of three months, the Headteacher/Designated Line Manager should meet with the employee to explain that a phased return to work is only agreed up to a maximum of three months. The Headteacher/Designated Line Manager should discuss with the employee whether the school is able to continue to support the request (either from the employee or through an Occupational Health recommendation) to work reduced hours taking into consideration the needs of the school, the reasons presented by the employee, any reasonable adjustments that have been requested particularly in relation to legal obligations under the [Equality Act 2010](#).

If, following the discussion with the employee, the school is able to support the request to continue the reduced hours, the Headteacher/Designated Line Manager should advise the employee that this will require a contractual change in hours to be implemented and the implications of the contractual change e.g. pro rata salary and, where applicable, annual leave. Appropriate notification should be sent to the Payroll Provider.

If, following the discussion with the employee, the school is unable to support the request to continue the reduced hours, the Headteacher/Designated Line Manager must be clear about:

- Why the school cannot support the request;
- What may have been offered as an alternative to the employee (if anything); and
- Any reasonable adjustments that may have been offered (even if declined by the employee).

Advice must be sought in such cases from The Trust's HR Consultant (Schools HR) and a referral to Occupational Health may be pursued to obtain advice about whether ill-health redeployment may be appropriate.

## APPENDIX 4 – Statement of Fitness for Work or "Fit Note" Guidance for Line Managers

Doctors, nurses, occupational therapists, pharmacists, and physiotherapists (hereafter referred to as "healthcare professionals") can issue fit notes. This means that employees may be issued a fit note by health professionals other than a doctor as long as they are discussing the employee's fitness to work. These health professionals should be treating the employee through NHS services.

An example of the prevailing fit note is provided below.

### 4.1 Getting a Fit Note

The healthcare professional will only issue the employee with a fit note if their health condition affects their fitness for work.

Fit notes are not required:

- If the employee is fit for work
- If the employee is off sick for 7 calendar days or less, because the employee can self-certify for this period. The fit note will still be required as evidence that an employee cannot work due to injury or illness from the eighth day of sickness absence.

### 4.2 Rules of the Fit Note

The fit note should be from the healthcare professional who is treating the employee. The healthcare professional can also issue a fit note based on a written report from another healthcare professional.

Fit notes can be handwritten, computer-generated and printed out or computer-generated and sent digitally to the employee. Duplicate fit notes can only be issued if the original has been lost.

### 4.3 Assessment of Fitness to Work

The fit note should state the health condition the employee is suffering from.

The fit note enables the healthcare professional to indicate whether the employee:

- Is not fit for work
- May be fit for work taking account of the following advice.

The healthcare professional will discuss with the employee how their health affects what they can do at work or the employee can raise this themselves. The healthcare professional will think about the employee's fitness for work in general rather than just their current job. Employees will not automatically be assessed as unfit for work just because they have a health condition. Employees should ask the healthcare professional to give practical advice in the fit note about what the employee can do at work (without this impacting on their medical condition), rather than simply record a health condition or the symptoms. The employee should then discuss this advice with their line manager, to see if any changes can be made to assist their return to work.

Employees do not always need to be fully recovered to go back to work, and in fact it can often help their recovery if they go back to work as soon as they are able to.

The tick boxes in section 4 of the fit note enable the healthcare professional to indicate the kind of general adaptations that might help the employee to return to work. This is not binding. Adaptations include:

- A phased return to work: a gradual increase in work duties or hours
- Altered hours: changing employee's work times or total hours
- Amended duties: changing employee's work duties
- Workplace adaptations: changing aspects of employee's workplace. If the school cannot reasonably make any changes, they do not have to.

If, after having taken advice, it is not possible to put in place the suggested alterations, the fit note should be used as if the healthcare professional had advised the employee to be "not fit for work". The employee

does not need to return to their healthcare professional for a new statement to confirm this until the duration of the existing statement has elapsed.

Where the “fit note” indicates that the employee “may be fit for work...” and the suggested alterations **do** include a phased return in respect of hours worked, the school should consider the following advice:

- Refer the employee to Occupational Health before any phased return is put in place. The referral form should be accompanied by the employee's job description and a copy of the fit note together with a detailed explanation of the implications of the healthcare professional's advice and the management issues in response to this advice.
- Any phased return will be in accordance with advice from Occupational Health, which will have taken into account the healthcare professional's advice given to the employee on the fit note.
- The terms and conditions of the phased return are detailed in the Managing Attendance Policy and Annex 4 – Guidance on Phased Returns to Work.

Section 5 of the fit note should confirm the dates the employee is signed off from work. This will either be from the date of the assessment, or between a particular start and end date. These dates are inclusive (so a fit note dated from 02 March to 10 March will no longer apply from 11 March onwards). This section may cover a previous period if the healthcare professional thinks that the employee's condition has affected their fitness for work before the assessment.

#### 4.4 Issuer's Details

This section has changed from the GP's details to the issuer's details to cover the different healthcare professional who can now issue a fit note for employees.

The fit note must include the issuer's name and profession and the address of the medical practice. If the fit note does not include these details it is not valid and the school could reject it. The requirement for the form to be signed in ink has been removed and replaced by the issuer's name and profession.

The changes to the fit note will not impact on the present arrangements for payment of Statutory Sick Pay (SSP) and occupational sick pay.

For further information about fit notes, please visit [GOV.UK](https://www.gov.uk).

#### Sample Statement of Fitness for Work (“Fit Note”)

**Statement of Fitness for Work**  
For social security or Statutory Sick Pay

Patient's name

1 I assessed your case on:

2 and, because of the following condition(s):

3 I advise you that  you are not fit for work.  you may be fit for work taking account of the following advice:

4 If available, and with your employer's agreement, you may benefit from:  
 a phased return to work  amended duties  
 altered hours  workplace adaptations

Comments, including functional effects of your condition(s):

5 This will be the case for  or from  to

6 I will/will not need to assess your fitness for work again at the end of this period. (Please delete as applicable)

7 Issuer's name

8 Issuer's profession

9 Date of statement

Issuer's address

Unique ID: Med 3 04/22

## APPENDIX 5 – FIRST ABSENCE REVIEW MEETING NOTES FORM

<b>Date of Meeting:</b>	
<b>Employee Name:</b>	
<b>Job Title:</b>	
<b>School/ Department:</b>	
<b>Representative Present:</b> <i>(Trade Union / Employee)</i>	
<b>Meeting Lead:</b> <i>(Line manager/ SLT)</i>	
<b>HR Present:</b>	
<b>Minute Taker Present:</b>	

Please ensure the following 7 areas are covered during the meeting:

1.	<p><b>Confirm the dates and periods of sickness absence in the previous rolling 12-month period and ensure that records are up to date and accurate. (delete as appropriate)</b></p> <p><i>Delete as appropriate:</i>  <b>YES</b>, I confirm absence records are correct.  <b>NO</b>, absence records are not correct. The following corrections are to be recorded (provide details):</p>
2.	<p><b>Review the employee's sickness absence; explore any underlying causes, including any available medical evidence.</b></p> <p><i>Notes on discussion:</i></p>
3.	<p><b>Give the employee an opportunity to present any information regarding their sickness absence.</b></p> <p><i>Notes on discussion:</i></p>

4. **Consider any options that might help the employee to reduce their levels of sickness absence.** *This might include a review of their working hours/type of work that they do, making the employee aware of the school's counselling service, if appropriate.*

Notes on discussion:

5. **Record any agreed actions:**

6. **Please advise the employee that if their sickness absence levels do not improve and escalate to the final stage of the policy, it may eventually lead to dismissal.**

7. **Please advise the employee that the review period is 26 working weeks, commencing the day after the First Sickness Absence Meeting**

**And the attendance expectations / next stage triggers are:**

- 9 days or 3 periods of sickness absence within the next 26 working weeks review period (short term absence)
- Return to work within 2 working month from the day after the meeting (long term absence). Review period of 26 working weeks starts on date of Return-to-Work meeting, trigger is 4 working weeks during monitoring period

**Completed by:**

**Signed - Meeting Lead**

**Signed - Employee**

**Please submit a copy of this form within 5 working days of the review meeting to Trust HR ([hr@aurigaacademytrust.org.uk](mailto:hr@aurigaacademytrust.org.uk)) and to the employee. In the event that an employee disagrees with the content of this form, or the outcome of the meeting, Trust HR must be contacted within 5 days of receipt of this form.**